

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BENNETT STREET
PROPERTIES, L.P.,

Plaintiff,

v.

THE CINCINNATI INSURANCE
COMPANY,

Defendant.

Civil Action

File No.: 1:22-cv-00940-MLB

**THE CINCINNATI INSURANCE COMPANY'S
MOTION FOR SUMMARY JUDGMENT**

COMES NOW The Cincinnati Insurance Company (hereinafter "CIC"), named Defendant in this action, and pursuant to Fed. R. Civ. P. 56 moves for summary judgment showing the Court that no genuine issue of material facts exists concerning Plaintiff Bennett Street Properties, L.P.'s First Amended Complaint (Doc. 6), and that CIC is entitled to judgment in its favor as a matter of law.

In support of this motion, CIC relies on the following:

A. Brief In Support of The Cincinnati Insurance Company's Motion for Summary Judgment, the argument and authorities contained therein, and the exhibits attached thereto;

B. Statement of Undisputed Material Facts in Support of The Cincinnati Insurance Company's Motion For Summary Judgment;

C. Deposition of Charlotte Bailey, taken October 3, 2023, and the exhibits thereto, the original of which has been requested from Plaintiff to be filed contemporaneously herewith;

D. Deposition of CIC's 30(b)(6) representative Michael Myers, taken September 19, 2023, and the exhibits thereto, the original of which has been requested from Plaintiff to be filed contemporaneously herewith;

E. Deposition of Plaintiff's 30(b)(6) representative Jack Brown, taken June 15, 2023, and the exhibits thereto, the original of which has been filed contemporaneously herewith;

F. Deposition of Plaintiff's 30(b)(6) representative Lee Nicholson, taken April 28, 2023, and the exhibits thereto, the original of which has been filed contemporaneously herewith;

G. Deposition of Jackson Jay Hill, taken September 27, 2023, and the exhibits thereto, the original of which has been requested from Plaintiff to be filed contemporaneously herewith;

H. Deposition of Chris Murphree, taken October 16, 2023, and the exhibits thereto, the original of which has been requested from Plaintiff to be filed contemporaneously herewith;

I. CIC policy no. ENP 0417198 effective 12/21/2016 to 12/21/2019, a certified copy of which was filed with Attachment E to CIC's Initial Disclosures

(Doc. 12-3);

J. All pleadings and materials of record.

K. All filed pleadings for this matter.

Wherefore The Cincinnati Insurance Company respectfully requests the Court grant its motion for summary judgment.

This 17th day of November, 2023.

Goodman McGuffey LLP
Attorneys for The Cincinnati Insurance Company

By: /s/ Stephanie F. Glickauf
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RULE 7.1 CERTIFICATE OF COMPLIANCE

The foregoing document is double spaced in 14-point Times New Roman font and complies with the type-volume limitation set forth in Local Rule 5.1C.

S/STEPHANIE F. GLICKAUF

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CERTIFICATE OF SERVICE

This is to certify that I electronically filed **Defendant's Motion for Summary Judgment** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following:

David J. Forestner, Esq.
Jones Walker LLP
3455 Peachtree Rd. NE Suite 1400
Atlanta, GA 30326
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This 17th day of November, 2023.

/s/ Stephanie F. Glickauf
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